

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MARK ANTHONY MCFARLAND,**

**Plaintiff,**

**v.**

**CLAUDE CHESTER,**

**No.06-59-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

On January 24, 2006, Mark Anthony McFarland, filed a petition for writ of habeas corpus pursuant to **28 U.S.C. § 2241**. Specifically, McFarland alleged that he had not been given any good time credit because he had been assigned a full term expiration date of February 6, 2011. Further, McFarland complained that the BOP was treating his five sentences of five years each as one twenty-five year sentence, which he believes decreases the amount of good time he can earn. Respondents filed responses to McFarland's petition on April 14, 2006 (Docs. 13 & 14). After receiving several extensions, petitioner filed a response on October 1, 2008 (Doc. 40).

Pursuant to **28 U.S.C. § 636(b)(1)(B)**, Magistrate Judge Proud submitted a Report and Recommendation ("the Report") on October 17, 2008 (Doc. 41). The Report recommended that McFarland's petition for writ of habeas corpus under **28 U.S.C. § 2241** be dismissed without prejudice for failure to exhaust administrative remedies. The Report was sent to the attorneys of record and to McFarland with a notice informing them of their right to appeal by way of filing "objections" within ten

days of service of the Report. On November 17, 2008, McFarland filed a motion for an extension of time in which to file objections (Doc. 42). The Court granted that motion and McFarland was given up to and including December 4, 2008 in which to file his objections (Doc. 43). On December 11, 2008, McFarland asked for a second extension of time in which to file objections (Doc. 44). The Court again granted the motion and McFarland was given up to and including December 31, 2008 in which to file his objections (Doc. 45). To date, none of the parties have filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. §636(b)**, this Court need not conduct de novo review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**.

Accordingly, the Court **ADOPTS** the Report (Doc. 41). The Court **DISMISSES without prejudice** McFarland's petition for writ of habeas corpus for failure to exhaust administrative remedies.

**IT IS SO ORDERED.**

Signed this 12th day of January, 2009.

/s/ David R. Herndon

**Chief Judge**  
**United States District Court**